

Application Number 10/612,896
Amendment dated April 13, 2005
Reply to Office action of December 17, 2004

R-E-M-A-R-K-S

Claims 1-3, 5-7 and 10 remain in the present application.

The limitations of claim 4 are introduced into independent claim 1 and, similarly, the limitations of claim 8 are introduced into independent claim 6. Claim 4 and 8 are hence canceled. Claim 9 was also canceled since it contained limitations similar to those of claims 4 and 8. Claim 11 is canceled without prejudice.

The Applicant respectfully thanks the Examiner for his careful examination.

The Examiner has rejected Claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over Flint et al. (US Patent N°4,174,891) in view of "Width-Modulated Linear Symbolologies" (The Bar Code Book, Palmer, 3rd Ed.) (hereinafter "Palmer").

The Applicant courteously disagrees for at least the reasons stated below. Notwithstanding this disagreement, the Applicant amends, as stated earlier, claim 1 to introduce the limitations of claim 4. The Applicant believes that new claim 1 is patentable in view of Flint et al. and further in view of Palmer.

New claim 1 now further comprises the limitation "*wherein each of said plurality of sequences of bar codes comprises a reference positioning code, said reference positioning code being located at a predetermined location in said sequences of bar codes*" (emphasis added). The Applicant believes that this limitation is not obvious in view of Flint et al. and further in view of Palmer.

The Examiner states that Flint does not teach the presence of a "start reading" code and infers (Re claim 4) that Flint does not teach the presence of a "reference positioning" code. This is correct.

The Examiner goes on to state that Palmer comprises "guard patterns [which] serve as reference markers for the overall barcode and define where it begins and ends". The Examiner further states that it would be obvious to combine Flint with Palmer "because this can help to ensure that the system is properly calibrated as it scans the actual data portion". This is not correct.

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Neither Palmer nor Flint suggest this. Palmer's barcodes are not for position purposes and a person having ordinary skill in the art would not have the imagination to combine Flint and Palmer nor is it suggested in either reference to combine one with the other.

Regarding the limitations of claim 4, the Examiner stated that "the central guard bar in UPC [could be considered] a reference positioning code as it serves as a non-bearing "landmark" within a series of bars".

The Applicant respectfully disagrees and submits that there is no such indication in "UPC" (Palmer). The central guard bar in Palmer's UPC is used to **distinguish** between two encoding schemes related to a given product in the same bar code. It is not used for performing a task outside the reading of the bar code such as positioning the bar code with respect to something. Moreover the Applicant believes that there is no motivation for combining Palmer to Flint et al. to enhance the positioning in Flint et al. as the positioning in Flint et al. is achieved using another scheme as explained below.

Flint et al. disclose a microfilm reader/printer arranged to transport a roll of film having all images contained thereon, in a distinctive format involving sequentially recorded photographic areas. Furthermore it is disclosed at line 4-7 of Column 5 that *"A series of bar code addresses is printed along one margin of the film and is precisely located at the same relative position near each photographic area"* (emphasis added). The Applicant therefore submits that this is different from having *"a reference positioning code located at a predetermined location in the sequences of bar codes"*.

The Applicant therefore submits that new claim 1 is new and non-obvious in view of Flint et al. and further in view of Palmer.

The Applicant believes that claims 2, 3 and 5 are new and non-obvious in view of Flint et al. and further in view of Palmer as they are dependent from a claim which is believed to be new and non-obvious in view of Flint et al. and further in view of "UPC".

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The Applicant further believes that new claim 6 is new and non-obvious in view of Flint et al. and further in view of Palmer as it has been amended to include a limitation corresponding to the limitation inserted in claim 1.

Similarly, the Applicant believes that claims 7 and 10 are new and non-obvious in view of Flint et al. and further in view of Palmer as they are dependent from claim 6 which is believed to be new and non-obvious in view of Flint et al. and further in view of Palmer.

In view of the foregoing, reconsideration of the rejection of Claims 1-3, 5-7 and 10 is respectfully requested. It is believed that Claims 1-3, 5-7 and 10 are allowable over the prior art and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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